

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

FRANK SIVORI

PLAINTIFF

V.

NO. 4:10CV008-P-A

EMMITT SPARKMAN, et al.

DEFENDANTS

ORDER OVERRULING OBJECTIONS and ADOPTING
REPORT AND RECOMMENDATION

The plaintiff, an inmate proceeding pro se, filed this complaint pursuant to 42 U.S.C. § 1983. The plaintiff's complaint included claims for violation of due process, denial of access-to-the-courts, denial of adequate medical care and denial of his right to free exercise of religion. Following a hearing held in accordance with *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), the Magistrate Judge submitted a report recommending the dismissal of some of the claims and some of the defendants. The plaintiff has filed objections to the report and recommendation.

The court finds that for reasons stated in the Report and Recommendation dated May 13, 2010, the plaintiff's objections are not well taken.

THEREFORE, it is hereby ORDERED that

(1) the plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

(2) the Report and Recommendation (docket entry 15) is APPROVED and ADOPTED as the opinion of this court;

(3) the denial of access-to-the-courts claim is DISMISSED;

(4) defendants Emmitt Sparkman and Lawrence Kelly are DISMISSED;

(5) defendant Janice Guest is DISMISSED; and

(4) this matter shall proceed as to the remaining defendants and claims.

SO ORDERED, this the 2nd day of June, 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE